FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NOS. 2917 TO 2920 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mrs. Urmila K.Sanil for the petitioner.

CORAM : R.S. MOHITE,J.
DATED : 16.11.2005.

P.C.

1. In all these matters, the petitioner Insurance company has challenged the orders granting Rs.50,000/- as no fault liability amount. It is contended that the persons who expired in these petitions were being carried as gratuitous passengers. I had called upon the advocate to show the original compensation application. On perusal of the same, it is found that the contention was that the persons who expired were carrying goods (vegetables) in the vehicle which met with an accident. That being the

position, the policy under Motor Vehicles Act must cover the owners of such goods. It is contended that though the heirs of the deceased contend that the deceased are owners of the goods being carried in the vehicle, in fact, they were not the owners of the goods. There is no material on record to indicate that the deceased were gratuitous licensees. The reliance is placed upon the judgment of the Apex Court in the case of New India Assurance Co. Ltd. Vs. Asha Rani and ors. reported in ACJ 2003 (Vol.I) Page-1 In my view, the ratio has no application to the facts of the present case. The liability of the insurer was negatived because the accident took place prior to the Amendment of 1994. In the present case, the accident took place in the year 2003. No interference is warranted. Hence, all the petitions are rejected.

(R. S. MOHITE, J.)